

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
MAY 28 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Administration of the)
North American Numbering Plan)

DOCKET FILE COPY ORIGINAL

CC Docket No. 92-237
Phases One and Two

REPLY COMMENTS OF AT&T

AT&T Corp. ("AT&T") hereby replies to others' comments on Public Notice, DA 96-678, released April 30, 1996, which asked parties to refresh the record on the Commission's Notice of Proposed Rulemaking in CC Docket 92-237, released April 4, 1994.¹

The comments confirm that the Commission should eliminate immediately the current moratorium, under which the North American Numbering Plan Administrator ("NANPA") is prohibited from assigning a carrier identification code ("CIC") to any entity that holds one or more codes unless that entity represents that an additional CIC is necessary expressly to accommodate intraLATA presubscription.²

¹ In the Matter of Administration of the North American Numbering Plan, 9 FCC Rcd. 2068 (1994) ("NPRM"). A list of the parties filing comments and the abbreviations used to identify them is attached as Appendix A.

² See Letter, dated September 26, 1995, from K. H. Wallman, Chief, Common Carrier Bureau, FCC to R. R. Conners, Director of NANPA. To conserve codes, the Commission required carriers to use the same CIC in all states for intraLATA presubscription, and allowed carriers without

(footnote continued on following page)

029

Lifting the moratorium is appropriate because, as AT&T explained, the unique problem that triggered its imposition has been resolved, and carriers do, in fact, need additional CIC codes.³ As Bellcore recently admonished:

"a failure to make assignments could adversely affect development of new services. . . . IntraLATA presubscription is not the only potential use of CICs, and we anticipate other requests for CIC assignments in the future by current assignees."⁴

The comments demonstrate that there is a patent need for additional codes for other than intraLATA presubscription.⁵ BellSouth, for example, notes that "as long as the current conservation order remains in effect, an entity with an existing CIC assignment is unable to obtain an additional CIC for a legitimate business use (e.g., FGD access). . . ."⁶ GTE indicates that for "new providers to enjoy the full complement of routing and billing efficiencies enjoyed by their multi-CIC competitors," they

(footnote continued from previous page)

any CICs to obtain two CICs, one for routine use and the other for intraLATA presubscription.

³ See AT&T at 4 n.7, 7-8.

⁴ Letter, dated October 2, 1995, from R. R. Conners, Director, NANP Administration, Bellcore to Kathleen M. H. Wallman, Chief, Common Carrier Bureau, FCC.

⁵ AT&T at 7-9; BellSouth at 4-5; Pacific at 3.

⁶ BellSouth at 5.

must have access to additional CICs.⁷ Similarly, Pacific states that the CIC restriction "could prevent a carrier from deploying a service for which a distinct CIC is needed."⁸ In short, consumers would clearly benefit if the moratorium were eliminated because carriers would then be able to obtain CICs to serve new applications.

A number of commenters contend that the permissive dialing period needs to be substantially shorter than the six years proposed in the NPRM to allow the moratorium on CIC assignments to be lifted.⁹ These commenters are wrong: the Commission can and should lift the moratorium and maintain the six-year transition. In this respect, the Commission need not be concerned that lifting the moratorium would create premature code exhaust problems. More than 84 percent of the CICs allotted for permissive dialing remained unassigned as of April 1, 1996.¹⁰ And, as SBC indicates, 79 percent of entities held only one CIC even when three were allowed. Therefore, SBC properly concludes that "whether or not the transition period is extended,

⁷ GTE at 3.

⁸ Pacific at 3.

⁹ BellSouth at 2-3; GTE at 2-3; NYNEX at 4-5; Pacific at 2, 6.

¹⁰ Based on NANPA figures cited by AT&T at 8; BellSouth at 3.

there is no need to continue the current restriction on the assignment of CICs."¹¹

CBT (at 2) suggests that increased demand for CICs since the 1994 NPRM is due to "new uses for the codes recently identified . . . by the industry." To the contrary, the "excessive" demand that led to the Commission-imposed moratorium was largely created by the inappropriate use of codes by one or a few entities doing business in a single state -- a situation which has since been corrected. CICs continue to be used to support access routing and billing, the same purpose for which they were originally made available. Accordingly, the Commission need not be concerned that applications for CICs, previously unknown to the industry, will accelerate code assignment.¹² In all

¹¹ SBC at 4. GTE suggests that without the Commission's mandated conservation measure, the proposed six-year permissive period could not survive. Specifically, GTE argues (at 3) that if conservation had not been in place, 1,842 CICs rather than 307 codes might have been assigned, essentially already depleting the 2,000 codes necessary for permissive dialing. GTE's assessment is based upon an unsupported assumption that all assignees will request the maximum number of codes allowed (*i.e.*, a total of six FGD codes).

¹² The industry has recognized that some assignments have been made to support intranetwork needs and, therefore, do not fall into the primary purpose for which CICs are to be used. To limit the impact of these type assignments the industry has set aside a block of 200 codes for intranetwork use. Because these codes are for intranetwork application and will not be transmitted across network boundaries, they can be reused by different providers and should minimize the number of codes that might otherwise be assigned for these uses. Moreover, and most importantly, this block of 200 codes

events, as BellSouth points out, in the unlikely event that CIC consumption increases substantially, the industry could develop and recommend conservation measures.¹³ In short, the Commission should immediately lift the restriction on CIC assignments.

The Commission should also continue to adhere to the six-year permissive dialing period, during which both three and four digit CICs could be utilized.¹⁴ In the NPRM, the Commission correctly recognized that a transition period of this length would be appropriate to "reduce -- even to the point of virtually eliminating -- the hardships imposed on pay phone providers, manufacturers, and PBX users."¹⁵ This remains a valid objective.

Some commenters, however, assert that maintaining a lengthy permissive dialing period, even if feasible given the available quantity of CICs, would violate the dialing parity provisions of the 1996 Act because it would competitively disadvantage any carrier required to use a

(footnote continued from previous page)

is from the 9000 series and, therefore, does not impact the codes necessary for permissive dialing.

¹³ BellSouth at 6.

¹⁴ NPRM, ¶¶ 50, 54. See AT&T at 3-6; MCI at 3; Telco at 6; VarTec at 1.

¹⁵ Id., ¶ 54. Once the transition period is over, all customers would be required to use the four digit CIC.

four digit CIC, while other carriers could continue to rely on three digit codes.¹⁶

This contention provides no sound reason to shorten the permissive dialing period and accelerate the need for costly equipment modifications. Rather, the Commission must reaffirm that dialing parity for intraLATA calling is critical to the development of competition, and thus should be implemented quickly. In the Local Competition NPRM, the Commission has correctly tentatively concluded that Section 251(b)(3) of the 1996 Act¹⁷ imposes a duty on all LECs to provide dialing parity with respect to all telecommunications services -- intrastate and interstate, local and toll, and that dialing parity for intraLATA toll calls can best be achieved through presubscription.¹⁸

Once implemented, such a presubscription approach should make the importance of the number of digits in a CIC diminish, because there should be less need for "dial

¹⁶ See, e.g., CBT at 2; GTE at 3; U S WEST at 6; but see Bell Atlantic at 1-2.

¹⁷ Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996) ("1996 Act").

¹⁸ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Notice of Proposed Rulemaking, FCC 96-182, released April 19, 1996, ¶¶ 206-207 ("Local Competition NPRM"). Presubscription is the process by which a customer preselects a carrier, to which all calls of a particular category of service are routed.

around" or other calling outside the "1+" format. Rather, with the extension of equal access presubscription to intraLATA toll traffic, all callers will be able to complete all toll calls using the carrier of their choice by dialing the same number of digits, without the need for any carrier access codes. Thus, the coexistence of three and four digit codes should become much less significant because callers would only have to dial the codes for a particular call if they wanted to use a carrier other than the one to which they have presubscribed.

In these circumstances, the Commission should retain, at least for now, the six-year permissive dialing period, to accommodate the concerns reiterated in response to the NPRM by customer and equipment manufacturers regarding the costly equipment modifications that will be necessary to permit use of the expanded carrier access codes.¹⁹ AT&T estimated that the cost to Lucent's PBX customers to purchase and implement modifications (software and hardware) to permit them to dial expanded CICs would

¹⁹ See, e.g., AT&T at 5-6; see also Comments, filed June 7, 1994, CC Docket No. 92-237, Phases 1 and 2, by National Communications System at 7, and North American Telecommunications Association at 9.

Pacific's suggestion (at 5) that a six to nine month permissive dialing period should suffice because that is all that is allowed for area code changes is inapposite. To implement area code changes, callers simply need to learn to use the new code. Unlike here, costly equipment modifications are not an issue.

range up to \$15,000 for each PBX, depending on the type and age of the equipment, and that it will take more than six years before all these PBX users have CPE in place that will work with expanded CICs.²⁰ Given these facts, a six-year transition period is both necessary to accommodate these PBX customers and appropriate because the CICs needed to support permissive dialing would not be exhausted.²¹

CONCLUSION

The Commission should implement promptly dialing parity and equal access presubscription for all calls, in accordance with the requirements of the 1996 Act. The Commission should also lift the current moratorium on CIC assignments and allow marketplace demand to govern.

²⁰ AT&T Reply Comments on the Notice of Inquiry ("NOI"), CC Docket No. 92-237, Phase 2, filed January 27, 1993, at 4.

²¹ The current industry plan, which recognizes the need for a transition period, allows the assignment of 2,000 four digit codes, while still permitting the use of existing 10XXX dialing for the users of networks assigned three digit CICs. Until all of the initial 2,000 four digit codes have been assigned, it would not be necessary to require 101XXXX dialing for callers who use carriers that have three digit codes.

Further, the Commission should confirm that the transition period for the conversion from three to four digit CIC codes will be six years.

Respectfully submitted,

AT&T CORP.

By _____

Judy Sello

Mark L. Rosenblum
Roy E. Hoffinger
Judy Sello

Room 3244J1
295 North Maple Avenue
Basking Ridge, New Jersey 07920
(908) 221-8984

Its Attorneys

May 28, 1996

LIST OF COMMENTERS
CC Docket 92-237
May 21, 1996

AT&T Corp. ("AT&T")

Bell Atlantic Telephone Companies ("Bell Atlantic")

BellSouth Telecommunications, Inc. ("BellSouth")

Cincinnati Bell Telephone Company ("CBT")

GTE Service Corporation ("GTE")

MCI Telecommunications Corporation ("MCI")

NYNEX Telephone Companies ("NYNEX")

Pacific Telesis Group ("Pacific")

SBC Communications Inc. ("SBC")

Telco Communications Group, Inc. ("Telco")

U S WEST, Inc. ("U S WEST")

VarTec Telecom, Inc. ("VarTec")

CERTIFICATE OF SERVICE

I, Diane Danyo, do hereby certify that a true copy of the foregoing Reply Comments of AT&T Corp. was served this 28th day of May, 1996, by United States mail, first class, postage prepaid, upon the parties listed on the attached Service List.

A handwritten signature in cursive script, reading "Diane Danyo". The signature is written in black ink and is positioned above a horizontal line.

Diane Danyo

SERVICE LIST

James S. Blaszk
Francis E. Fletcher, Jr.
Gardner, Carton & Douglas
Suite 900 - East Tower
1301 K Street, N.W.
Washington, DC 20005
Attorneys for Ad Hoc
Telecommunications Users
Committee

Dr. Lee L. Selwyn
Economics and Technology, Inc.
One Washington Mall
Boston, MA 02108

David A. Gross
AirTouch Communications
1818 N Street, N.W.
Washington, DC 20036

Pamela J. Riley
AirTouch Communications
425 Market Street
San Francisco, CA 94105

Susan M. Miller
Alliance for Telecommunications
Industry Solutions
1200 G Street, N.W., Suite 500
Washington, DC 20005

Roy L. Morris
Allnet Communication
Services, Inc.
1990 M Street, N.W., Suite 500
Washington, DC 20036

Alan R. Shark
American Mobile
Telecommunications
Association, Inc.
1150 18th Street, N.W., Suite 250
Washington, DC 20036

Elizabeth R. Sachs
Lukas, McGowan, Nace & Gutierrez
1819 H Street, N.W., Suite 700
Washington, DC 20006
Attorney for American
Mobile Telecommunications
Association, Inc.

Anne V. Phillips
American Personal Communications
1025 Connecticut Avenue, N.W.
Washington, DC 20036

Wayne V. Black
C. Douglas Jarrett
Joseph M. Sandri, Jr.
Keller and Heckman
Suite 500 West
1001 G Street, N.W.
Washington, DC 20001
Attorneys for American
Petroleum Institute

Larry A. Peck
Frank M. Panek
Ameritech Operating Companies
2000 W. Ameritech Center Drive
Hoffman Estates, IL 60196-1025

W. Theodore Pierson, Jr.
Richard J. Metzger
Pierson & Tuttle
1200 19th Street, N.W., Suite 607
Washington, DC 20036
Attorneys for Association for
Local Telecommunications Services

John M. Goodman
Bell Atlantic Telephone Companies
1135 20th Street, N.W.
Washington, DC 20036

Michael S. Slomin
Bell Communications Research, Inc.
LCC-2B336
290 W. Mount Pleasant Avenue
Livingston, NJ 07039

M. Robert Sutherland
Theodore R. Kinglsey
BellSouth Telecommunications, Inc.
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

A. Lewis
Canadian Steering
Committee on Numbering
Station D, Floor 8
410 Laurier Avenue West, Box 2410
Ottawa, Ontario, K1P 6H5, Canada

Lawrence P. Keller
Cathey, Hutton & Associates, Inc.
3300 Holcomb Bridge Road
Norcross, GA 30092

Michael F. Altschul
Cellular Telecommunications
Industry Association
Suite 200
1250 Connecticut Avenue, N.W.
Washington, DC 20036

Thomas E. Taylor
Christopher J. Wilson
Frost & Jacobs
2500 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202
Attorneys for Cincinnati Bell
Telephone Company

Alvin Bieber
Andrew Stratford
Communications Managers Association
1201 Mt. Kemble Avenue
Morristown, NJ 07960-6628

Genevieve Morelli
Competitive Telecommunications
Association
Suite 220
1140 Connecticut Avenue, N.W.
Washington, DC 20036

Danny E. Adams
Jeffrey S. Linder
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006
Attorneys for Competitive
Telecommunications Association

Robert H. Schwaninger, Jr.
Brown and Schwaninger
Suite 650
1835 K Street, N.W.
Washington, DC 20006
Attorney for Dean Brothers
Publishing Company

David J. Gudino
GTE Service Corporation
Suite 1200
1850 M Street, N.W.
Washington, DC 20036

Robert C. Schoonmaker
GNVW Inc./Management
P.O. Box 25969
Colorado Springs, CO 80936

Douglas W. Kinkoph
LCI International Telecom Corp.
8180 Greensboro Drive
McLean, VA 20165

Gregory Intoccia
Loretta J. Garcia
Donald J. Elardo
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Loretta J. Garcia
Donald J. Elardo
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Cindy Z. Schonhaut
MFS Communications Company, Inc.
Suite 300
3000 K Street, N.W.
Washington, DC 20007

Andrew D. Lipman
Swidler & Berlin, Chartered
Suite 300
3000 K Street, N.W.
Washington, DC 20007
Attorney for MFS Communications
Company, Inc.

Colleen M. Dale
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul Rodgers
Charles D. Gray
James Bradford Ramsay
National Association of
Regulatory Utility
Commissioners
1102 ICC Building
P.O. Box 684
Washington, DC 20044

Carl Wayne Smith
Paul R. Schwedler
Code AR
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, VA 22204

Richard A. Askoff
Michael O. Pedersen
National Exchange Carrier
Association, Inc.
100 S. Jefferson Road
Whippany, NJ 07981

Robert S. Foosaner
Lawrence R. Krevor
Nextel Communications, Inc.
Suite 1110-5
601 13th Street, N.W.
Washington, DC 20005

Leonard J. Kennedy
Laura Kennedy
Richard J. Denning
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, DC 20037
Attorneys for Nextel
Communications, Inc.

Albert H. Kramer
Robert F. Aldrich
Keck, Mahin & Cate
Penthouse Suite
1201 New York Avenue, N.W.
Washington, DC 20005

Campbell L. Ayling
NYNEX Corporation
1111 Westchester Avenue
White Plains, NY 10604

Lisa M. Zaina
Matthew L. Dosch
OPASTCO
Suite 700
21 DuPont Circle, N.W.
Washington, DC 20036

Margaret E. Garber
Pacific Telesis
4th Floor
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004

Marlin J. Ard
Nancy C. Woolf
Pacific Telesis Group
Room 1523
140 New Montgomery Street
San Francisco, CA 94105

Mark J. Goldon
Personal Communications
Industry Association
1019 Nineteenth Street, N.W.
Washington, DC 20036

E. L. Barnes
Rock Hill, Fort Mill, and
Lancaster Telephone Companies
P.O. Box 470
Rock Hill, SC 29731

James D. Ellis
Robert M. Lynch
David E. Brown
SBC Communications, Inc.
Room 1254
175 E. Houston
San Antonio, TX 78205

Durward D. Dupre
J. Paul Walters, Jr.
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St Louis, MO 63101

Leon M. Kestenbaum
Jay C. Keithley
Norina T. Moy
Sprint Corporation
Suite 1110
1850 M Street, N.W.
Washington, DC 20036

B. L. Schurr
Stentor Resource Centre Inc.
160 Elgin Street, Floor 22
Ottawa, Ontario, K1G 3J4, Canada

Jan Masek
Telaccess
302 N. La Brea Avenue, #1000
Los Angeles, CA 90036

Julia A. Waysdorf
Swidler & Berlin, Chartered
3000 K Street, N.W.
Washington, DC 20007
Attorney for Telco
Communications Group, Inc.

D. Kelly Daniels
Karen Miller
Telco Planning, Inc.
808 The Pittock Block
921 S.W. Washington, Suite 808
Portland, OR 97205

Charles C. Hunter
Kelly, Hunter, Mow & Povich, P.C.
Seventh Floor
1133 Connecticut Avenue, N.W.
Washington, DC 20036

Paul Kouroupas
Teleport Communications Group
One Teleport Drive, Suite 301
Staten Island, NY 10311

Mary McDermott
United States Telephone Association
Suite 600
1401 H Street, N.W.
Washington, DC 20005

Coleen M. Egan Helmreich
U S WEST, Inc.
Suite 700
1020 19th Street, N.W.
Washington, DC 20036

Raymond G. Bender, Jr.
J. G. Harrington
Dow, Lohnes & Albertson
Suite 500
1255 23rd Street, N.W.
Washington, DC 20037
Attorneys for Vanguard Cellular
Systems, Inc.

Michael G. Hoffman
VarTec Telecom, Inc.
3200 W. Pleasant Run Road
Lancaster, TX 75146